

Introduced by Senator Murray

February 26, 1999

An act to amend Section 44015 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1288, as introduced, Murray. Motor vehicle inspection and maintenance program.

Existing law establishes a motor vehicle inspection and maintenance (smog check) program that, among other things, requires all motor vehicles, except for certain exempt vehicles, that are registered in designated areas of the state to biennially obtain a certificate of compliance or noncompliance with motor vehicle emission standards. Existing law provides that a certificate of compliance or noncompliance shall be valid for 90 days, except that if the certificate is issued to a licensed automobile dealer, the certificate shall be valid for 180 days.

This bill would delete the 90-day and 180-day time limits, and, instead, would provide that a certificate of compliance or noncompliance shall be valid until the vehicle's next biennial inspection, except that the certificate shall no longer be valid if title to the vehicle is transferred to a new owner.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



The people of the State of California do enact as follows:

1 SECTION 1. Section 44015 of the Health and Safety
2 Code is amended to read:

3 44015. (a) A licensed smog check station shall not
4 issue a certificate of compliance, except as authorized by
5 this chapter, to any vehicle that meets the following
6 criteria:

7 (1) A vehicle that has been tampered with.

8 (2) A vehicle that, prior to repairs, has been initially
9 identified by the smog check station as a gross polluter.
10 Certification of a gross polluting vehicle shall be
11 conducted by a designated test-only facility, or a
12 test-and-repair station that is both licensed and certified
13 pursuant to Section 44014 and 44014.2 and is participating
14 in the pilot program pursuant to subparagraph (B) of
15 paragraph (2) of subdivision (g) of Section 44014.5.

16 (3) A vehicle described in subdivision (c).

17 (b) If a vehicle meets the requirements of Section
18 44012, a smog check station licensed to issue certificates
19 shall issue a certificate of compliance or a certificate of
20 noncompliance.

21 (c) (1) A repair cost waiver shall be issued, upon
22 request of the vehicle owner, by an entity authorized to
23 perform referee functions for a vehicle that has been
24 properly tested but does not meet the applicable emission
25 standards when it is determined that no adjustment or
26 repair can be made that will reduce emissions from the
27 inspected motor vehicle without exceeding the
28 applicable repair cost limit established under Section
29 44017 and that every defect specified by paragraph (2) of
30 subdivision (a) of Section 43204, and by paragraphs (2)
31 and (3) of subdivision (a) of Section 43205, has been
32 corrected. A repair cost waiver issued pursuant to this
33 paragraph shall be accepted in lieu of a certificate of
34 compliance for the purposes of compliance with Section
35 4000.3 of the Vehicle Code. No repair cost waiver shall
36 exceed two years' duration. No repair cost waiver shall be
37 issued until the vehicle owner has expended an amount

1 equal to the applicable repair cost limit specified in
2 Section 44017.

3 (2) An economic hardship extension shall be issued,
4 upon request of a qualified low-income motor vehicle
5 owner, by an entity authorized to perform referee
6 functions, for a motor vehicle that has been properly
7 tested but does not meet the applicable emission
8 standards when it is determined that no adjustment or
9 repair can be made that will reduce emissions from the
10 inspected motor vehicle without exceeding the
11 applicable repair cost limit, as established pursuant to
12 Section 44017.1, that every defect specified in paragraph
13 (2) of subdivision (a) of Section 43204, and in paragraphs
14 (2) and (3) of subdivision (a) of Section 43205, has been
15 corrected, that the low-income vehicle owner would
16 suffer an economic hardship if the extension is not issued,
17 and that all appropriate emissions-related repairs up to
18 the amount of the applicable repair cost limit in Section
19 44017.1 have been performed.

20 (d) No repair cost waiver or economic hardship
21 extension shall be issued under any of the following
22 circumstances:

23 (1) If a motor vehicle was issued a repair cost waiver
24 or economic hardship extension in the previous biennial
25 inspection of that vehicle. A repair cost waiver or
26 economic hardship extension may be issued to a motor
27 vehicle owner only once for a particular motor vehicle
28 belonging to that owner. However, a repair cost waiver
29 or economic hardship extension may be issued for a motor
30 vehicle that participated in a previous waiver or
31 extension program prior to January 1, 1998, as determined
32 by the department. For waivers or extensions issued in
33 the program operative on or after January 1, 1998, a
34 waiver or extension may be issued for a motor vehicle
35 only once per owner.

36 (2) Upon initial registration of all of the following: a
37 direct import motor vehicle, a motor vehicle previously
38 registered outside this state, a dismantled motor vehicle
39 pursuant to Section 11519 of the Vehicle Code, a motor

1 vehicle that has had an engine change, an alternate fuel
2 vehicle, and a specially constructed vehicle.

3 ~~(e) Unless the certificate is issued to a licensed~~
4 ~~automobile dealer, a certificate of compliance or~~
5 ~~noncompliance shall be valid for 90 days. If the certificate~~
6 ~~is issued to a licensed automobile dealer, the certificate~~
7 ~~shall be valid for 180 days. A certificate of compliance or~~
8 ~~noncompliance shall be valid until the next biennial~~
9 ~~inspection, except that the certificate shall no longer be~~
10 ~~valid if title to the vehicle is transferred to a new owner.~~

11 (f) A test may be made at any time within 90 days prior
12 to the date otherwise required.

